

Argument In Support OF TRAVERSE

06CV511

The plaintiff files his answer to their Special Report as follows:

The plaintiff claims that the defendant are well aware of his lower back pain problem, but has failed to provide him with adequate medical care.

The Defendants said in their Special Report filed on August 24, 2006, that "The only way the Defendants may only be liable if they had knowledge of Boyd's medical condition, Hill 4063d at 1191, and acted intentionally or recklessly to deny or delay access to his care, or to interfere with treatment once prescribed. Estelle, 429 U.S. at 104-105. Obviously, Boyd cannot carry his burden. See Special Report filed on 8-24-06 at 12.

The evidence submitted with the plaintiff Original Complaint, Traverse on 8-6-06, shows that the Defendant did act intentionally and recklessly to deny or delay medical care and to interfere with the treatment which was prescribed and directed.

The Defendant know of the Plaintiff lower back problem, but instead of helping it, they made it worse, because the plaintiff's Arms, legs, Hands, Feet, penis, as well as his whole lower back goes out on him. The Defendant gave the plaintiff a back brace profile, and bottom bed profile for six months on 11-21-06. The Plaintiff wrote a Complaint to the head on 5-4-06, and the Defendant got mad with him, and had the Capt. Knox

To call me to his office, and said I can't be writing to no head office about anyone. On 6-2-06, ~~the~~ Defendant discontinued the plaintiff profiles, which he had just written in 4-21-06, for six months. Just 28 days later, after the plaintiff wrote the head office complaining, the Defendants discontinued the plaintiff profiles out of retaliation against Boyd.

The plaintiff produce with this Court on (Doc 36) an Exhibit C which is a medical Report of Dr. Amyl. Bentley, saying "Cartman Boyd has been given a life-long disability ~~to~~ to his back injury. The Defendants knew this, but still would not give the plaintiff proper medical care."

Under the Fed. R. Civ. Proc., in order for a plaintiff to win their claim under a 1983, they must prove a ^{preponderance} of the evidence, which means they ~~must~~ ^{show} they are saying happen more than it did not happen. To be award Compensatory damages, they must show that they have suffer an injury, which you will not be able to work, you will be award Compensatory damages for that injury, and Compensated for lost wages. Now punitive damages are when a plaintiff can show where a defendant knew of his injuries, but action without reason and were in deliberate indifference to his serious medical need, and it was done maliciously and sadistically to cause harm to the plaintiff. Now All of the Defendant ^{knew} of the plaintiff back injury. But, if that was not ^{bad} enough, that the plaintiff already had a very bad back injury, the Defendants took his back brace on 6-2-06, and

Just within 10 min of that, his whole lower body went out. And Bork was ^{on a stretcher} ~~stretcher~~, because he could not stand up. Every since 6-20-06, the plaintiff has suffer worse pain then before, because his arms, hands, legs, feet, penis, are all numb and on him, because of the Defendants Cruel and unusual punishment that has been inflicted upon him.

A "Serious Condition" is an objectively serious medical need that if left unattended, poses a serious risk of harm. *Taylor vs. Adams* 2:1 F.3d 1254 (11th Cir. 2000). The Condition must have either been diagnosed by a physician as mandating treatment or be "so obvious that even a lay person would easily recognize the necessity for the doctor's attention." *Hill vs. DeKalb Regional Youth Detention Center* 40 F.3d. 1176 (11th Cir. 1994). *Furrow vs. West* 320 F.3d. 1235 (11th Cir 2002). *Estelle vs. Gamble* 429 U.S. 97, 104 (1976).

Wherefore, The Plaintiff prays that this matter will be set down for a trial by the Court or by the Jury, so that this Hon. Court will see that the Defendant retaliated against the plaintiff.



Cert. of Service

I hereby Certify that I have served a copy of the foregoing upon the Defendant Counsel, by placing it into Feathering Creek Fac. Mail Box on May 14 2007



Page 3

IN THE UNITED STATES DISTRICT COURT
OF ALABAMA

Cartney Boyd
Plaintiff

#207921

DEFENDANT

U.S.

Dr. Darbouse et al,
Defendants

State of Alabama
County of Bo

AFFIDAVIT

06-
Case NO: CV-511-2-KW

I, Cartney Boyd, who is known to me, and after being duly affirmed depose and say as follows:

I, Cartney Boyd, after being full sworn deposes as follows:
On 5-14-07, I, Cartney Boyd received a court order telling him to answer the Special Report of the Defendants. However the Plaintiff never received their Special Report or interrogatories. However, He still tried to answer the unreceived Special Report.

The Plaintiff will take a Polygraphic test to everything he said in his traverse and motion for a court order. Pursuant to 28 USC Section 1746, I, Cartney Boyd, do hereby sign under the penalty of perjury that the foregoing is true and correct. Executed on: May 14, 2007.

~~Cartney Boyd~~

Certificate of Service

I hereby certify that I have served a copy of the foregoing upon the Defendant Counsel, by placing it into Registered Court Mail Box on May 14, 2007.

~~Cartney Boyd~~

Page 1